

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:

MICHAEL DAVID WICKHAM
DIANA MARIE WHITED

CASE NO: 12-70399-HDH-13

HEARING DATE: 10/16/2013

HEARING TIME: 10:00am

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Trustee's Motion to Dismiss Case with Prejudice in accordance with 11 U.S.C. 1307(c), Rule 9014, Rule 1017(f)(1), and General Order 2010-01 and would respectively show unto to the Court as follows:

Debtor is in material default of the most recent confirmed plan or modified plan per 11 U.S.C. 1307(c). The most recent confirmed plan or modified plan required the Debtor(s) to pay \$370.00 per month beginning 11/18/2012. The total amount paid to the Trustee is \$3,330.00 and the total amount in arrears is \$740.00 through September 2013.

Certified funds must be delivered to the following address to cure this default:

**Standing Chapter 13 Trustee
PO Box 94210
Lubbock, TX 79493**

This motion is filed with prejudice due to prior case filings.

WHEREFORE, the Trustee prays that this Chapter 13 case be dismissed with prejudice per 11 U.S.C. 1307(c).

Respectfully submitted,

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee

A HEARING WILL BE HELD 10/16/2013 AT 10:00am AT THE FOLLOWING ADDRESS:

LIVE: US COURTHOUSE ROOM 222, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE SHALL BE HELD AT THE SAME LOCATION AT 8:30am ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

MICHAEL DAVID WICKHAM & DIANA MARIE WHITED 3249 SOUTHWEST DR WICHITA FALLS TX 76306

DAVISON RUGELEY, LLP 900 EIGHT ST STE 1102 PO DRAWER 99 WICHITA FALLS TX 76307

BARRETT DAFFIN FRAPPIER TURNER & ENGEL 15000 SURVEYOR BLVD STE 100 ADDISON TX 75001

Date: 9/23/2013

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee